

**PASCO COUNTY PLANNING COMMISSION  
PUBLIC HEARING**

**DECEMBER 2, 2009**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER IN WHICH THE ITEMS WERE HEARD**

**WEST PASCO GOVERNMENT CENTER, BOARD ROOM  
7530 LITTLE ROAD, NEW PORT RICHEY, FL 34654-5598**

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Members:

Mr. Charles Grey, Chairman  
Ms. Allison Fogarty  
Mr. Ed Weiss  
Mr. Calvin Branche  
Mr. Art Woodworth - **Absent**  
Ms. Carol Kemp

Mr. Kevin Ryman  
Mr. Dennis Smith  
Mr. Jon Moody - **Absent**  
Mr. Allen Sigmon  
Mr. Richard Tonello

Staff:

Ms. Elizabeth Blair, Senior Assistant County Attorney  
Ms. Debra Zampetti, Zoning/Code Compliance Administrator  
Mr. Lee Millard, Assistant Zoning/Code Compliance Administrator

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**1. CALL TO ORDER**

Chairman Grey called the meeting to order at 1:28 p.m.

**A. Invocation**

A moment of silence was held in lieu of a prayer.

## **B. Pledge of Allegiance**

Chairman Grey led the Pledge of Allegiance to the Flag.

## **C. New Business**

Chairman Grey explained the procedures that would be followed during the meeting.

Ms. Vickie Perez, Deputy Clerk, swore in those who planned to give testimony.

### **a. Rezoning Petitions/Conditional Use Petitions/Special Exception Petitions**

Ms Debra Zampetti, Zoning/Code Compliance Administrator, listed the Consent Agenda items as follows: RZ 6856, RZ 6891, RZ 6892, CU10-09, CU10-10, CU10-14, CU10-15 and CU10-16. Rezoning Petition 6891 was pulled from the Consent Agenda.

**MR. BRANCHE MOVED** approval of the Consent Agenda with exception of the pulled item; **MS. FOGARTY AND MR. WEISS SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

C1 Zoning Request – Hidden Ridge, LLC, and Hidden Ridge Land Company, LLC – Request to Rezone from R-4 to C-2; Section 29, Twn 25 S, Rng 17E  
Memorandum: ZN10-6856  
Recommendation: Approve  
Comm. Dist. 4

The item was approved as part of the Consent Agenda.

C2 Zoning Petition – Request for Rezoning – Carl F. Penoyer – Requests Rezoning from A-R to R-1MH; Section 22, Twn 26 S, Rng 21 E  
Memorandum: ZN10-6891  
Recommendation: Approve  
Comm. Dist. 1

Ms. Zampetti read the item into the record and gave the location of the property. Staff recommended approval.

Mr. Carl Penoyer stated his name for the record and gave a brief history of the item. He explained the property would not be turned into a mobile home park.

Mr. Dwaine McCombe stated his name and explained his concern was that the property would be turned into a mobile home park and submitted a letter of protest.

**MR. BRANCHE MOVED** to receive and file the letter submitted by Mr. Dwayne McComb; **MS. FOGARTY SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

Discussion followed regarding how many mobile homes would be allowed on the property and what the petitioner would need to do to place a third mobile home on the property.

**MR. WEISS MOVED** approval of Staff's recommendation; **MR. RYMAN SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

C3 Zoning Petition – Rezoning Request – CFJ Properties & CWW Enterprises, L.P.  
– Request to rezone from C-2/1-2, to C-2; Section 08, Twn 25 S, Rng 20 E  
Memorandum: ZN10-6892  
Recommendation: Approve  
Comm. Dist. 1

The item was approved as part of the Consent Agenda.

C4 Zoning Petition – Conditional Use Request – Zephyrhills Mini Storage, Inc. –  
Requests CU for an indoor/outdoor flea market. Location: On the east side of  
Allen Road, approximately 1,000 ft. south of S.R. 54; Section 15, Twn 26 S, Rng  
21 E  
Memorandum: ZN10-CU09  
Recommendation: Approval with conditions  
Comm. Dist. 1

The item was approved as part of the Consent Agenda.

C5 Zoning Petition for Conditional Use – Toti Property Investments, Inc./Calypso  
Bay-CU request for sale of alcoholic beverages (2COP-beer and wine only), in  
conjunction with the operation of a restaurant in a PUD District; Section 33, Twn  
26 S, Rng 19 E  
Memorandum: ZN10-CU10  
Recommendation: Approval with conditions  
Comm. Dist. 2

The item was approved as part of the Consent Agenda.

- C6 Zoning Petition – Conditional Use Request – Bass Lake Plaza, Inc./Pasco Food Sore-CU for sale of alcoholic beverages (2-APS), in conjunction with the operation of a convenience store in a C-2 District. Location: Section 25, Twn 25 S, Rng 16 E  
Memorandum: ZN10-CU14  
Recommendation: Approval with conditions  
Comm. Dist. 4

The item was approved as part of the Consent Agenda.

- C7 Zoning Petition – Conditional Use Request – Eagle Creek Property Management, L.C./Stacks Hookah Lounge – CU to sell alcoholic beverages (2COP) on-premises consumption in conjunction with the operation of a hookah lounge in a C-2 District. Section 33, Twn 26 S, Rng 19 E  
Memorandum: ZN10-CU15  
Recommendation: Approval with conditions  
Comm. Dist. 2

The item was approved as part of the Consent Agenda.

- C8 Zoning Petition – Conditional Use Request – Longleaf Town Center, Inc./Town Ground Espresso Café – CU for sale of alcoholic beverages (2-COP), in conjunction with operation of a café with outside seating and service of alcoholic beverages on a sidewalk patio in an MPUD District. Location: Section 19, Twn 26 S, Rng 17 E  
Memorandum: ZN10-CU16  
Recommendation: Approval with conditions  
Comm. Dist. 3

The item was approved as part of the Consent Agenda.

- C9 Zoning Petition – Special Exception Request – Craven D. Cates – SE for a breeding kennel in an A-R District.  
Memorandum: ZN10-6894  
Recommendation: Approval with conditions  
Comm. Dist. 2

The item was approved as part of the Consent Agenda.

R1 Zoning Petition – Request for Rezoning-Mathetes, LLC-Location: On the south side of Pasco-Hernando County Line Road, approximately 1-1/2 miles west of the Suncoast Parkway; Section 04, Twn 24 S, Rng 18 E  
Memorandum: ZN10-6875  
Recommendation: Approve  
Comm. Dist. 2

Ms. Zampetti read the item into the record and gave the location of the property. Staff recommended approval.

Ms. Shelley Johnson, representative for the applicant, was in agreement with Staff's recommendation.

**MR. BRANCHE MOVED** approval of Staff's recommendation; **MR. WEISS SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

R2 Zoning Petition – Conditional Use – Acme Development Corporation/New River Church Flea Market – CU for an outdoor flea market in an A-C District; Section 23, Twn 26 S, Rng 19 E  
Memorandum ZN10-CU11  
Recommendation: Approval with conditions  
Comm. Dist. 1

Ms. Zampetti read the item into the record and gave the location of the property. Staff recommended approval with conditions as listed in the packet.

Mr. Kevin Ryman abstained from voting because he owned fifty percent of the property.

Mr. Fred Perkins, applicant, stated his name for the record and requested clarification on the conditions.

Ms. Zampetti recommended that Mr. Perkins arrange a meeting with "Team C" to inform him of the proper procedures regarding the matter.

Discussion followed regarding whether or not the dirt road at the location would be safe for use.

**MR. BRANCHE MOVED** approval of Staff's recommendation; **MR. WEISS SECONDED.**

Chairman Grey called on the motion; the motion carried with Mr. Ryman abstaining.

R3 Zoning Petition – Conditional Use – Lowe Family, Ltd./Hudson Antiques and Red Barn Auction House –CU request for an indoor auction house in a C-2 District; Section 34, Twn 24 S, Rng 16 E  
Memorandum: ZN10-CU12  
Recommendation: Approval with conditions  
Comm. Dist. 5

Ms. Zampetti read the item into the record and gave the location of the property. Staff recommended approval with conditions as listed in the packet.

Discussion followed regarding how long the business had been operating; hours of operation; and how the property could be utilized.

**MS. FOGARTY MOVED** approval of Staff's recommendation; **MR. BRANCHE SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

R4 Zoning Petition - Conditional Use Request – Universal Plaza Center, LLC/Chill Chamber, Inc., - CU for sale of alcoholic beverages (4COP); on-premises consumption in conjunction with operation of nightclub with outside seating and service in a C-2 District; Section 19, Twn 26 S, Rng 16 E  
Memorandum: ZN10-CU13  
Recommendation: Approval with Conditions  
Comm. Dist. 3

Ms. Zampetti read the item into the record and gave the location of the property. Staff recommended approval with conditions as listed in the packet.

Discussion followed regarding what type of restrictions there were in residential areas; what other businesses were located in the Plaza; how close the business would be to the existing Church and Day Care; and lack of parking being available.

Mr. Kent Ronalds, representative for the applicant, stated his name for the record.

Mr. Grant Cummins, applicant, explained how they would utilized the outdoor patio area.

Mr. Les Sells, noted his concerns were how the outside patio would be utilized; whether or not there would be sufficient parking; and whether or not it would be an issue for the Day Care Center in the Plaza.

**MS. FOGARTY MOVED** approval of Staff's recommendation and to amend Condition Number 1 to add language "there will be no live entertainment in the outdoor patio area"; **MR. BRANCHE SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

R5 Zoning Petition – Special Exception Request – Deborah Sue Evans – SE for a rescue kennel in an A-C District. Location: On the east side of Pasco Fino Way, approximately 650 feet north of Trilby Trail; Section 27, Twn 23 S, Rng 21 E  
Memorandum: ZN10-6893  
Recommendation: Approval with Conditions  
Comm. Dist. 1

Ms. Zampetti read the item into the record and gave the location of the property. She reviewed observations made by her at the site visit. Staff recommended approval with conditions as listed in the packet.

Ms. Deborah Evans, applicant, gave a brief history of the item regarding the location of the kennel on the property; her care of the dogs; the fact that she did not run a business; how long she had the kennel on the property; what type of dogs were in the kennel; the number of dogs that were currently in the kennel; and what her future plans were regarding the kennel.

Discussion followed regarding the need to have a Condition placed with language such as “no additional dogs beyond the nine allowed in this zoning”, and how many other types of animals would be allowed on the property with its current zoning.

Mr. Tom Baldwin spoke in opposition of the kennel. He submitted a petition of protest into the record.

**MR. BRANCHED MOVED** to receive and file the petition of protest submitted by Mr. Tom Baldwin; **MR. WEISS SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

Mr. Baldwin submitted a letter from a Realtor stating that the values of the neighborhood would be affected by the kennel.

**MR. BRANCHE MOVED** to receive and file the letter submitted by Mr. Tom Baldwin; **MS. FOGARTY SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

Mr. Baldwin submitted photographs of the property into the record.

**MR. BRANCHE MOVED** to receive and file the photographs submitted by Mr. Tom Baldwin; **MR. WEISS SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

Discussion followed regarding the documentation submitted by Mr. Baldwin. Further discussion followed regarding whether or not the property was in a Deed Restricted area.

Mr. John Mally, Assistant Manager, Animal Services, noted his office had been to the property regarding possible cruelty to the animals and cited the applicant for failure to obtain proof of rabies tags or licenses which the applicant complied with. His office did not witness any animal cruelty. There was a small detection of odor which was tested and proven to be safe.

Mr. Tom Baldwin, Ms. Kathleen Yarnal, and Ms. Donna Mills spoke regarding the noise; the odor; the constant traffic to and from the property; and their concern that there would be more dogs taken in as a rescue kennel.

Ms. Evans explained she was not a business and there would be no more dogs taken into the kennel. She submitted the citations received from Animal Services as proof that they were complied with.

**MR. BRANCHE MOVED** to receive and file the documentation submitted by Ms. Deborah Evans; **MR. RYMAN SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

Ms. Evans submitted a letter from her Veterinarian showing proof that she cared for the dogs.

**MS. FOGARTY MOVED** to receive and file the letter submitted by Ms. Deborah Evans; **MS. KEMP SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

Discussion followed regarding a solution; whether or not a Condition could be placed on a Special Exception; the possibility of continuing the item to allow the neighbors to obtain a solution; what the role of the Board was; and whether or not a Special Exception could be issued temporarily.

Ms. Elizabeth Blair, Senior Assistant County Attorney, gave further explanation of what a Special Exception was and how it worked.

**MR. SMITH MOVED** approval of Staff's recommendation; **MS. KEMP SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

**MR. SMITH AMENDED** his motion to include "puppies"; **MS. KEMP SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.



Discussion followed regarding language; how the property could be utilized; and if a condition could be placed to determine when a Special Exception would terminate.

**MR. SMITH WITHDREW** the motion.

**MR. SMITH MOVED** approval of Staff's recommendation to modify Condition Number One to indicated the Special Exception would be for the current 25 dogs and for the current owner; **MR. BRANCHE SECONDED.**

Chairman Grey called on the motion; the motion carried with Chairman Grey voting nay.

**D. Minutes**

None

**ADJOURN**

**MR. BRANCHE MOVED** to adjourn; **MR. SMITH SECONDED.**

Chairman Grey called on the motion; the vote was unanimous and the motion carried.

The meeting adjourned at 3:10 p.m.

PLANNING COMMISSION  
REGULAR MEETING  
DECEMBER 2, 2009

(SEAL)

*Office of Paula S. O'Neil, Clerk & Comptroller*

Prepared by: \_\_\_\_\_  
Vickie Perez, Board Clerk  
Board Records Department